

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYNCPOINT IMAGING, LLC, §
§
Plaintiff, § Case No. 2:15-CV-00247-JRG-RSP
§
v. §
§
NINTENDO OF AMERICA INC., et al.; §
§
Defendants. §

ORDER TO SHOW CAUSE

During the course of the June 14, 2018 hearing on Nintendo's Motion for Exceptional Case Attorney Fees Under 35 U.S.C. § 285, it came to the Court's attention that counsel for Plaintiff may have included in the August 10, 2015 declaration prepared for the inventor, and relied upon in Plaintiff's Memorandum in Opposition to Nintendo's venue motion, certain statements concerning the employment of consultants to conduct business at Plaintiff's Texas office, which statements were known to be materially untruthful. These statements were discussed at pages 14-15 of Nintendo's § 285 motion (Dkt. No. 290), and in greater detail during the cross-examination of Karl Hansen at the June 14 hearing, and in the Memorandum Opinion and Order entered on this date. Accordingly,

IT IS ORDERED that counsel for Plaintiff, Joseph G. Pia, together with Karl Hansen, show cause before the Court why appropriate sanctions should not be imposed under Rule 11, or 28 U.S.C. § 1927, or the inherent power of the Court, on **August 13, 2018 at 9:30 a.m.** Any written response to this Order shall be filed not later than August 6, 2018.

SIGNED this 9th day of July, 2018.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE